

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

DAPO ADEYEYE,

Petitioner

v.

DEPARTMENT OF HOMELAND
SECURITY, et al.

Respondents.

Civil No. 05-1335 (JBS)

ORDER

This matter came before the Court upon application [Docket Item 15] of Petitioner Dapo Adeyeye to reopen this docket and for this Court to assert venue over his case, in which he wishes to contest a detainer lodged by the Bureau of Immigration and Custom Enforcement in 2002. This Court previously rejected Mr. Adeyeye's petition, holding that he was not entitled to a writ of mandamus under 28 U.S.C. § 1361 because the detainer is based upon his felony conviction, in the Northern District of Illinois, for possessing with intent to distribute approximately one kilogram of heroin, which is an aggravated felony subjecting him (as a foreign national) to arrest and removal from this country. This Court's Opinion and Order (filed September 30, 2005) were affirmed by the United States Court of Appeals for the Third Circuit on July 20, 2006 in Appeal No. 05-4588.

Petitioner is now confined at the McRae Correctional Facility in McRae, Georgia. His current application asks this Court to reopen this docket and retain venue in this Court, although he is currently lodged in Georgia.

This Court will deny this application to reopen. This Court's Order of September 30, 2005 was a dismissal with prejudice. It was affirmed on appeal. Mr. Adeyeye is confined in Georgia, and any attack upon his detainer or removal must be filed there. He has presented no basis for this Court to reopen its docket or to recognize venue in the District of New Jersey.

IT IS, this 12th day of **November, 2008**, hereby

ORDERED that the Clerk of Court change Petitioner's address upon the docket to reflect his current place of confinement:

Mr. Dapo Adeyeye
No. 10886-424
Lee Unit
McRae Correctional Facility
P.O. Drawer 30
McRae, GA 31055

and it is further

ORDERED that Petitioner's application to reopen this docket shall be, and it hereby is, DENIED.

s/ Jerome B. Simandle

JEROME B. SIMANDLE
U.S. District Judge